

**Indiana Department of Environmental Management**

Office of Water Quality, Permits Branch  
100 North Senate Avenue, Mail Code 65-42  
Indianapolis, Indiana 46204  
(317) 232-8670  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

In compliance with the provisions of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (33 U.S.C. 1251, et seq., the "Act"), Title 13 of the Indiana Code, and regulations adopted by the Water Pollution Control Board, the Indiana Department of Environmental Management (IDEM) is issuing this general permit to all persons who have discharges of wastewater from sedimentation treatment basins generated by sand, gravel, dimension stone, and crushed stone, quarry operations into waters of the State of Indiana. Coverage under this general permit may be revoked for nonpayment of applicable fees as set forth in IC 13-18-20.

This permit is issued on: \_\_\_\_\_, **2013**

This permit is effective on: \_\_\_\_\_, **2013**

This permit expires on: \_\_\_\_\_, **2018**

\_\_\_\_\_  
Paul Higginbotham, Chief  
Permits Branch  
Office of Water Quality

**Discharges from Sand, Gravel, Dimension Stone and Crushed Stone Operations****Table of Contents****Part I GENERAL PERMIT COVERAGE and EFFLUENT LIMITATIONS**

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**Part I GENERAL PERMIT COVERAGE and EFFLUENT LIMITATIONS****1.0 GENERAL PERMIT COVERAGE****1.1 Permit Area**

This sand, gravel, dimension stone and crushed stone operations general permit covers all areas of the State of Indiana.

**1.2 Discharges Covered by this Permit :**

This general permit addresses any new or existing point source discharges of wastewater from sedimentation treatment basins at sites involved with the mining and processing of sand, gravel, dimension stone or crushed stone to waters of the State of Indiana by a valid individual NPDES permit.

This permit authorizes discharges of waters from processes, including, but not limited to,

- a) pit dewatering;
- b) channel machines;
- c) broaching;
- d) jet piercing;
- e) scrubber water from wet scrubbers used for air pollution control;
- f) dust suppression spray water;
- g) wash water from spray bars for final screening operations; and
- h) non-contact cooling water for cooling of
  - 1) crusher bearings;
  - 2) drills;
  - 3) saws;
  - 4) dryers;
  - 5) pumps; and
  - 6) air compressors.

This general permit serves as a National Pollutant Discharge Elimination System (NPDES) general permit and is issued to be effective for a term of five (5) years from the date coverage commences. To obtain renewal coverage under this master general permit, the information required under section 3.4 of this permit shall be submitted to the Commissioner at least ninety (90) days prior to the termination of coverage under this NPDES master general permit or thirty (30) days for a new general permit, unless the Commissioner determines that a later date is acceptable.

### 1.3 Exclusions from Coverage

The following facilities/ discharges are not authorized under this permit:

- a) crushed stone operations utilizing flotation agents to remove impurities from marble or other carbonaceous rock. The flotation agents include
  - 1) organic amines;
  - 2) fatty acids; and
  - 3) pine oils.
- b) industrial sand operations utilizing:
  - 1) acid flotation to effect removal of iron oxide and ilmenite impurities
  - 2) alkaline flotation to remove aluminate bearing materials; and
  - 3) hydrofluoric acid flotation for removal of feldspar.
- c) industrial sand operations utilizing the acid leaching process. The acid leaching process pertains to the removal of iron from feldspathic sand for use in glass manufacturing. A strong hydrochloric or sulfuric acid is used.
- d) storm water discharges associated with construction or industrial activity;
- e) discharges of sedimentation treatment basin waters that are regulated under an individual permit;
- f) discharges of sedimentation treatment basin waters that the Commissioner determines will cause, have the reasonable potential to cause, or contribute to, violations of water quality standards. Where such determination has been made the discharger will be notified by the Commissioner in writing that an individual permit application is necessary. However the Commissioner may authorize coverage under this permit after appropriate controls and implementation procedures have been designed to bring the discharge into compliance with water quality standards;
- g) discharges that would add loadings of a pollutant that is identified as causing or contributing to the impairment of a water body on the current 303(d) list of impaired waters;
- h) discharges to a receiving stream that will result in an increased loading of a pollutant that is given as a cause of degradation to the receiving stream;
- i) direct discharges into waters that are designated as Outstanding State Resource Waters or Outstanding National Resource Waters as defined under IC 13-18-3-2(u), 327 IAC 2-1-11(b), 327 IAC 2-1.5-19(b), and 327 IAC 2-1.3-3(d);
- j) discharges which would significantly lower the water quality of the receiving water as defined under 327 IAC 2-1.3-5;
- k) new source (i.e. those with no prior permit authorization) discharges of the process wastewaters described in section 1.2 of this general permit if there are non-discharging alternatives readily available, such as the use of an on-site abandoned quarry pit(s) for disposal of the process wastewater in lieu of having a surface water discharge; and

- l) discharges containing water treatment additives (WTAs) with the exception of those water treatment additives which have received prior written approval from IDEM for the specific additive, use, and dosage at the particular facility for which the Notice of Intent (NOI) is submitted. The NOI required under Section 3.0 shall include proof of IDEM's approval for any WTAs before approval of general permit coverage shall occur.

## **2.0 AUTHORIZATION TO DISCHARGE UNDER THIS GENERAL PERMIT**

Except as provided in subsection 1.3, if the Notice of Intent (NOI) is submitted as set forth in section 3.0 below, a facility engaged in sand, gravel, dimension stone, and crushed stone mining and processing operations is permitted to discharge effluent from sedimentation treatment basins to waters of the state in accordance with the terms of this general permit. Any such discharges not permitted under this general permit or by an individual permit are unlawful.

In order to obtain authorization to discharge under this permit, a person must submit an NOI pursuant to section 3.0. The Commissioner may grant or deny coverage under this permit or require an application for an individual permit. Upon notice from IDEM to the applicant, the applicant is covered under this general permit.

## **3.0 NOTICE OF INTENT (NOI) REQUIREMENTS**

### **3.1 NOI Format**

A Notice of Intent (NOI) shall contain all of the information listed in section 3.4 of this general permit. IDEM has created an NOI form for this general permit. For transfers of ownership a copy of the Transfer of Ownership forms shall be completed, signed by both the transferor and the transferee, and submitted with the NOI form. Paper copies of these documents shall be submitted to the address listed in section 3.5 of this general permit. Alternatively the applicant may submit applications electronically to IDEM via the internet when IDEM completes the development of such a process.

### **3.2 Deadlines for NOI Submittal**

- a) New Facility: For a new facility, an NOI shall be submitted at least thirty (30) days before any discharge occurs.
- b) Existing Facility: For a facility which has existing, effective coverage under the general permit-by-rule (327 IAC 15-12) on the effective date of this general permit, such coverage shall automatically be extended provided that the permittee takes one of the following actions within sixty (60) days following the effective date of this general permit.
  - 1) The permittee submits a new NOI in accordance with Section 3.0 of this general permit to affirm it intends to comply with the new general permit. The Commissioner may waive certain specific NOI requirements for permittees who have submitted a complete NOI to IDEM under 327 IAC

15-12 within the past two (2) years prior to the effective date of the general permit ;

- 2) The permittee notifies IDEM in writing of its intent to terminate general permit coverage in accordance with **Section 5.0** of this general permit; or
- 3) The permittee submits an individual NPDES application package to IDEM for the permitted facility. In that case the general permit coverage will remain in effect until the effective date of the individual NPDES permit.

Persons operating sand, gravel, dimension stone and crushed stone mining and processing sites and utilizing sedimentation basin treatment, who are covered under existing individual NPDES permits, and who would not be disqualified on the basis of any of the items outlined in section above may request in writing that the individual NPDES permit be revoked. Similarly if an otherwise qualifying facility modifies their site or operation so that the prohibiting item no longer applies that site also may request that the individual permit be revoked. In both cases an NOI shall also be submitted with such request. Upon the effective date of revocation of the individual NPDES permit, the general permit shall become applicable to that discharge. For subsequent renewals of general permit coverage under this general permit, an NOI shall be submitted not less than ninety (90) days before the permit expires.

- c) Transfer of Ownership: In the case of a transfer of ownership an NOI must be submitted not less than thirty (30) days before the transfer.
- d) Extension of Application Deadlines: The Commissioner may, upon good cause shown in writing by the applicant, reduce any of the time periods required above.

### 3.3 Who must sign the NOI?

The NOI must be signed in accordance with the signatory requirements of 327 IAC 5-2-22(a) which specifies that all permit applications shall be signed as follows:

- a) For a corporation by a responsible corporate officer:
  - 1) For purposes of this section, "a responsible corporate officer" means either of the following:
    - (A) A president, secretary, treasurer, any vice president of the corporation in charge of a principal business function, or any other person who performs similar policymaking or decision making functions for the corporation.
    - (B) The manager of one (1) or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been

assigned or delegated to the manager in accordance with corporate procedures.

- 2) For a partnership or sole proprietorship by a general partner or the proprietor, respectively.
- 3) For a municipality, state, federal, or other public agency or political subdivision thereof by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:
  - (i) The chief executive officer of the agency, or
  - (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
- 4) Permit applicants who meet the criteria set forth in this subsection may also utilize agency-approved electronic application mechanisms in lieu of paper NPDES applications.

### 3.4 Content of the NOI

The following information must be included in an NOI:

- a) name, telephone number, mailing address, and email address of the owner or operator of the site, and the name, telephone number, mailing address, and email address of a contact person who is knowledgeable about the site;
- b) name, telephone number, mailing address, and email address for the contact person who will be responsible for the submission of monthly monitoring reports;
- c) the location address of the site itself, and the latitudinal and longitudinal coordinates of the center of the site;
- d) brief description of the activities conducted at the site that result in the discharge;
- e) estimate of the volume of sedimentation treatment basin water to be discharged, in million gallons per day (mgd);
- f) the latitudinal and longitudinal coordinates of each point source location (including outfall numbers) that will be discharging sedimentation treatment basin water and also the location information for any sampling points which differ from any of the outfall locations;
- g) name of the waters receiving each discharge, and the basin, sub-basin, and watershed of the waters;
- h) information concerning the source water to be used for the processes generating the wastewater to be discharged (i.e. municipal, well, or surface water); i) facility location map which identifies, via names of nearby streets or permanent structures, the location of the site where the activity resulting in the discharge will be conducted; the location where the discharge will occur; and the waters receiving the discharge. The facility map must show boundaries which extend at least a one mile radius beyond the facility property. Multiple maps may be used if the location of the receiving stream is sufficiently distant from the site that too much detail is lost on the site map if only one is used;



- j) information about any water treatment additives currently in use or planned to be used for the discharge. Documentation must also be submitted that proves there has been prior IDEM approval of the WTA for its use at this site;
- k) a completed Potentially Affected Parties form and mailing labels with the mail code "65-42 PS" inserted on the first line for each person listed;
- l) proof of public notice in the publication of largest circulation in the area the discharge will be occurring. The public notice shall consist of the following statement: "(Facility name, address, address of the location of the discharging facility) is submitting an NOI letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirements under ING490000, the general NPDES permit for discharge of sedimentation treatment basin wasters from Sand, Gravel, Dimension Stone and Crushed Stone Operations, which will discharge to (stream(s) or water body receiving the discharge(s)). Questions concerning this NOI may be directed to (Facility contact name and telephone number).";
- m) the required permit application fee as per IC 13-18-20-5;
- n) Certification statement set forth in Section 8.25(c) of this permit signed by the authorized signatory or the signatory's authorized representative as set forth in Section 3.3.
- o) any additional information the Commissioner's representative may subsequently deem necessary during the NOI review process.

### 3.5 Where to Submit the NOI and Permitting Fee

The Notice of Intent and all supporting documents shall be submitted to the following address:

Indiana Department of Environmental Management  
Office of Water Quality- Mail Code 65-42 PS  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251

## 4.0 ADMINISTRATIVE PROCEDURES FOR NOI PROCESSING

### 4.1 Review of submittal

The Commissioner shall review NOIs for completeness and accuracy, and to confirm that the discharge is eligible for coverage under this permit as per Sections 1.2 and 1.3. An eligible NOI that is complete and accurate shall be processed as described below.

### 4.2 Notice of Coverage

The Commissioner shall transmit to the permittee Notice of Coverage (NOC) under this permit and provide the permittee with a copy of this general permit and a Monthly Monitoring Report (MMR) form with instructions for its completion. Discharge Monitoring Reports and instructions for their completion will be sent under separate cover. Discharges of sedimentation treatment basin water are not authorized until IDEM prepares and transmits the NOC to the permittee.

**4.3 Dates and Length of Coverage**

The Commissioner shall specify in the NOC the effective date of coverage under the permit. The term of coverage shall begin no sooner than the date the NOI is received and the date of issuance of the NOC, and shall end on the expiration date of this general permit, unless the applicant requests, and IDEM approves, an earlier termination date.

**5.0 REQUESTING TERMINATION OF COVERAGE**

A permittee shall request termination of coverage under this general permit when discharges of sedimentation treatment basin water to waters of the State have ceased. In order to do so the permittee shall complete and submit a Notice of Termination form to IDEM at the address listed in subsection 3.5.

If discharges have ceased but coverage under this general permit is still in effect because the discharger has not requested termination of permit coverage, the permittee will continue to be responsible for annual permit maintenance fees billed according to Indiana Statute IC 13-18-20. The permittee will also continue to be responsible for submitting Discharge Monitoring Reports (DMRs).

**6.0 EFFLUENT LIMITATIONS**

All operators must control discharges as necessary to meet numeric and narrative water quality standard for any discharges authorized by this permit, with compliance required upon beginning such discharge. If IDEM or EPA determines that these standards are not being met consistently, or that the discharge is causing or contributing to an excursion above any applicable water quality standard, the operator may be notified by the Commissioner in writing that an individual permit application is necessary.

**6.1 Discharge Limitations**

Table 1

Parameter	Quantity or Loading			Quality or Concentration			Monitoring Requirements	
	Monthly average	Daily maximum	Units	Weekly average	Daily maximum	Units	Measurement frequency	Sample type
Flow[1][2]	Report	Report	MGD				Daily	24 Hr. Total
Total Flow [2]	Report		Mgal				1 x monthly	Cumulative monthly total
TSS [2]				30		mg/l	4 x yearly [3]	Grab

Table 2

Parameter	Quality or Concentration		Units	Monitoring Requirements	
	Daily minimum	Daily maximum		Measurement frequency	Sample type
pH [2]	6.0	9.0	s.u.	4 x yearly [3]	Grab

- [1] Measurement of flow is required per 327 IAC 5-2-13(a)(2).
- [2] Samples and measurements taken as required in this section shall be representative of the volume and nature of the monitored discharge. Samples taken in compliance with the monitoring requirements in this section shall be taken at a point representative of the discharge but prior to entry into waters of the state.
- [3] A minimum of one sample shall be collected, analyzed, and the results reported each calendar quarter.

## 6.2 Narrative Water Quality Standards

At all times the discharge from any and all point sources specified within this permit shall not cause receiving waters:

- a) including the mixing zone, to contain substances, materials, floating debris, oil, scum, or other pollutants:
  - 1) that will settle to form putrescent or otherwise objectionable deposits;
  - 2) that are in amounts sufficient to be unsightly or deleterious;
  - 3) that produce color, visible oil sheen, odor, foam, or other conditions in such degree as to create a nuisance;
  - 4) which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
  - 5) which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.
- b) outside the mixing zone, the wastewater discharge must result in no other materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life, or fish and aquatic life in the receiving stream.

## 7.0 MONITORING REQUIREMENTS AND PROCEDURES

### 7.1 When to sample

Samples shall be taken in accordance with the sample type specified in Section 6.1 of this general permit. The Commissioner may require the discharger to sample for additional parameters.

## 7.2 Measurement Frequency

Measurement frequency of each parameter is to be as is identified in section 6.1 above. The Commissioner may require the discharger to conduct more frequent measurement of one or more of these parameters. If this becomes the case the discharger shall be notified in writing and given the reasons for the more frequent sampling requirement.

## 7.3 Representative Sampling

Samples and measurements taken in compliance with the monitoring requirements specified above shall be representative of the volume and nature of the discharges of sedimentation treatment basin water. The samples and measurements shall be taken prior to mixing with any other waters and prior to discharging to the receiving stream.

## 7.4 Additional monitoring by permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified in section 8.1 below, the results of this monitoring shall be included in the calculation and reporting of the values required in the monthly Discharge Monitoring Report (DMR). Such increased frequency shall also be indicated. Other monitoring data not specifically required in this permit (such as internal process or internal waste stream data) which is collected by or for the permittee need not be submitted unless requested by the Commissioner.

## 7.5 Testing Procedures

The analytical and sampling methods used shall conform to the current version of 40 CFR 136. Multiple editions of Standard Methods for the Examination of Water and Wastewater are currently approved for most methods, however, 40 CFR Part 136 should be checked to ascertain if a particular method is approved for a particular analyte. The approved methods may be included in the texts listed below. However, different but equivalent methods are allowable if they receive the prior written approval of the Commissioner and the U.S. Environmental Protection Agency.

- a) Standard Methods for the Examination of Water and Wastewater, 18<sup>th</sup>, 19<sup>th</sup>, or 20<sup>th</sup> Editions, 1992, 1995, or 1998, American Public Health Association, Washington, D.C. 20005.
- b) A.S.T.M. Standards, Parts 23, Water; Atmosphere Analysis, 1972 American Society for Testing and Materials, Philadelphia, PA 19103.
- c) Methods for Chemical Analysis of Water and Wastes, June 1974, Revised, March 1983, Environmental Protection Agency, Water Quality Office, Analytical Quality Control Laboratory, 1014 Broadway, Cincinnati, OH 45202.

## 7.6 Recording of results

For each measurement or sample taken pursuant to the requirements of this general permit, the discharger shall record the following information:

- a) the place (Outfall number), date, and time of sampling;
- b) the person(s) who performed the sampling or measurements;
- c) the dates and times the analyses were performed;
- d) the person(s) or laboratory who performed the analyses;
- e) the analytical techniques or methods used; and
- f) the results of all required analyses and measurements.

## 7.7 Reporting and Records Retention: Monitoring Results

- a) The permittee shall submit federal discharge monitoring reports (DMRs) and state monthly monitoring reports (MMRs) to the Commissioner containing results obtained during the previous monitoring period which shall be submitted no later than the 28<sup>th</sup> day of the month following each completed monitoring period. The first report shall be submitted by the 28<sup>th</sup> day of the month following the first completed monitoring period.
- b) Forms that were not issued by IDEM must receive approval by IDEM before they may be used.
- c) DMRs must be signed and certified by a responsible corporate officer, or a general partner or the sole proprietor, or a principal municipal executive officer or ranking elected official, or his duly authorized representative, as defined and set forth in section 8.25 of this permit. Such authorization must be submitted in writing and must explain the duties and responsibilities of the authorized representative.
- d) Permittees shall keep a duplicate paper copy of all monitoring report forms submitted. These documents shall be retained either on-site at the permitted facility or in such a manner that the reports will be readily available for IDEM compliance staff review.
- e) DMRs, MMRs, and any communication regarding compliance with the conditions of this general permit must be sent to:

Indiana Department of Environmental Management  
Office of Water Quality- Mail Code 65-42 CDS  
Compliance Data Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251

- f) The Regional Administrator may request the permittee to submit monitoring reports to the Environmental Protection Agency if it is deemed necessary to assure compliance with the permit.
- g) The permittee may enroll in the NetDMR program for the electronic submittal of the federal Discharge Monitoring Reports and the state Monthly Monitoring Report forms in lieu of submitting them via U.S. mail. Once approved by IDEM, the permittee may use this process for submitting reports in lieu of submitting paper copies of the reports to IDEM.

IDEM is also developing other means of electronic submittals for Notice of Intent and Notice of Termination forms. Once these are available, the operators may utilize those options to satisfy the NOI, NOT and other report notification requirements.

#### 7.8 How to Report Effluent Data on the Federal Discharge Monitoring Reports

- a) For parameters with monthly average water quality based effluent limitations (WQBELs) below the LOQ, daily effluent values that are less than the limit of quantitation (LOQ) may be assigned a value of zero (0).
- b) For all other parameters for which the monthly average WQBEL is equal to or greater than the LOQ, calculations that require averaging of measurements of daily values (both concentration and mass) shall use an arithmetic mean. When a daily discharge value is below the LOQ, a value of zero (0) shall be used for that value in the calculation to determine the monthly average unless otherwise specified or approved by the Commissioner.
- c) Effluent concentrations less than the LOD shall be reported on the Discharge Monitoring Report (DMR) forms as < (less than) the value of the LOD. For example, if a substance is not detected at a concentration of 0.1 µg/l, report the value as <0.1 µg/l.
- d) Effluent concentrations greater than or equal to the LOD and less than the LOQ that are reported on a DMR shall be reported as the actual value and annotated on the DMR to indicate that the value is not quantifiable.
- e) Mass discharge values which are calculated from concentrations reported as less than the value of the limit of detection shall be reported as less than the corresponding mass discharge value.
- f) Mass discharge values that are calculated from effluent concentrations greater than the limit of detection shall be reported as the calculated value.

#### 7.9 Records Retention

All records and information resulting from the monitoring activities required by this permit, including all records of analyses performed and calibration and maintenance of instrumentation and recording from continuous monitoring instrumentation, shall be retained for a minimum of three (3) years. This shall also include all reports and certifications

required by this permit and records of all data used to complete the NOI for the site to be covered by this permit. In cases where the original records are kept at another location, a copy of all such records shall be kept at the permitted facility. The three years shall be extended:

- a) automatically during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or regarding promulgated effluent guidelines applicable to the permittee; or
- b) as requested by the Regional Administrator or the Commissioner.

#### 7.10 Reopening Clauses

- a) This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing
  - 1) to comply with any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, if the effluent limitation or standard so issued or approved:
    - A) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
    - B) controls any pollutant not limited in the permit.
  - 2) to incorporate any of the reopening clause provisions cited at 327 IAC 5-2-16.
- b) If this general permit is modified or revoked all persons regulated under it shall be notified by IDEM. Those persons notified under this subsection shall, within one hundred twenty (120) days of the receipt of notification:
  - 1) submit a complete NOI containing the information required under the amended permit; or
  - 2) apply for an individual NPDES permit.

## **PART II STANDARD CONDITIONS FOR PERMITS**

### 8.0 Standard Conditions for Permits

The following standard conditions are applicable to all discharges covered under this NPDES general permit.

#### 8.1 Duty to Comply

The permittee shall comply with all terms and conditions of this permit in accordance with 327 IAC 5-2-8(1) and all other requirements of 327 IAC 5-2-8. Any permit noncompliance constitutes a violation of the Clean Water Act and IC 13 and is grounds for enforcement action or permit termination, revocation and reissuance, modification, or denial of a permit renewal NOI.

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

## 8.2 Duty to Mitigate

In accordance with 327 IAC 5-2-8(3), the permittee shall take all reasonable steps to minimize or correct any adverse impact to the environment resulting from noncompliance with this permit. During periods of noncompliance, the permittee shall conduct such accelerated or additional monitoring for the affected parameters, as appropriate or as requested by IDEM, to determine the nature and impact of the noncompliance.

## 8.3 Duty to Reapply/Continuation of Coverage for Existing Permittees after the General Permit Expires

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must obtain and submit an NOI for renewal of this permit in accordance with section 3.0 of this permit. It is the permittee's responsibility to obtain and submit the NOI. In accordance with 327 IAC 5-2-3(c), the owner of the facility or operation from which a discharge of pollutants occurs is responsible for applying for and obtaining the master general permit, except where the facility or operation is operated by a person other than an employee of the owner in which case it is the operator's responsibility to apply for and obtain the master general permit. Pursuant to 327 IAC 15-3-3(b), the application must be submitted at least 90 days before the expiration date of this permit. This deadline may be extended if:

- a) permission is requested in writing before such deadline;
- b) IDEM grants permission to submit the NOI after the deadline; and
- c) the NOI is received no later than the master general permit expiration date.

In accordance with IC 13-15-3-6, 40 CFR 122.6, and 327 IAC 5-2-6(b), the conditions of this permit shall remain fully effective and enforceable after the expiration date if the permittee has submitted a timely NOI for renewal of the general permit coverage and IDEM has not, through no fault of the permittee, issued a new permit on or before the expiration date of this permit.

Permittees who are granted general permit coverage will remain covered under this permit until the earliest of the following:

- 1) The permittee receives authorization for coverage under a reissued or replacement version of this permit; or
- 2) The permittee's submittal of a Notice of Termination (see Section 5.0); or
- 3) Issuance or denial of an individual permit for the facility's discharges; or
- 4) A final permit decision by IDEM not to reissue this general permit, at which time IDEM will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit. Coverage under this permit will terminate at the end of this time period.



#### 8.4 Permit Transfers

In accordance with 327 IAC 5-2-8(4)(D), this permit is nontransferable to any person except in accordance with 327 IAC 5-2-6(c). This permit may be transferred to another person by the permittee, without modification or revocation and reissuance being required under 327 IAC 5-2-16(c)(1) or 16(e)(4), if the following occurs:

- a) the current permittee notified the Commissioner at least thirty (30) days in advance of the proposed transfer date.
- b) a written agreement containing a specific date of transfer of permit responsibility and coverage between the current permittee and the transferee (including acknowledgment that the existing permittee is liable for violations up to that date, and the transferee is liable for violations from that date on) is submitted to the Commissioner.
- c) the transferee certifies in writing to the Commissioner their intent to operate the facility without making such material and substantial alterations or additions to the facility as would significantly change the nature or quantities of pollutants discharged and thus constitute cause for permit modification under 327 IAC 5-2-16(d). However, the Commissioner may allow a temporary transfer of the permit without permit modification for good cause, e.g., to enable the transferee to purge and empty the facility's treatment system prior to making alterations, despite the transferee's intent to make such material and substantial alterations or additions to the facility.
- d) the Commissioner, within thirty (30) days, does not notify the current permittee and the transferee of the intent to modify, revoke and reissue, or terminate the permit and to require that a new application be filed rather than agreeing to the transfer of the permit.

The Commissioner may require modification or revocation and reissuance of the permit to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act or state law.

#### 8.5 Permit Actions

In accordance with 327 IAC 5-2-16(b) and 327 IAC 5-2-8(4), this permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a) Violation of any terms or conditions of this permit;
- b) Failure of the permittee to disclose fully all relevant facts or misrepresentation of any relevant facts in the application, or during the permit issuance process; or
- c) A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit, e.g., plant closure, termination of discharge by connection to a POTW, a change in state law that requires the reduction or elimination of the discharge, or information

indicating that the permitted discharge poses a substantial threat to human health or welfare.

Filing of either of the following items does not stay or suspend any permit condition: (1) a request by the permittee for a permit modification, revocation and reissuance, or termination, or (2) submittal of information specified in section 8.3 of the permit including planned changes or anticipated noncompliance.

The permittee shall submit any information that the permittee knows or has reason to believe would constitute cause for modification or revocation and reissuance of the permit at the earliest time such information becomes available, such as plans for physical alterations or additions to the permitted facility that:

- 1) could significantly change the nature of, or increase the quantity of pollutants discharged; or
- 2) the commissioner may request to evaluate whether such cause exists.

In accordance with 327 IAC 5-1-3(a)(5), the permittee must also provide any information reasonably requested by the Commissioner.

#### 8.6 Property Rights

Pursuant to 327 IAC 5-2-8(6) and 327 IAC 5-2-5(b), the issuance of this permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to persons or private property or invasion of other private rights, any infringement of federal, state, or local laws or regulations. The issuance of the permit also does not preempt any duty to obtain any other state, or local assent required by law for the discharge or for the construction or operation of the facility from which a discharge is made.

#### 8.7 Severability

In accordance with 327 IAC 1-1-3, the provisions of this permit are severable and, if any provision of this permit or the application of any provision of this permit to any person or circumstance is held invalid, the invalidity shall not affect any other provisions or applications of the permit which can be given effect without the invalid provision or application.

#### 8.8 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 of the Clean Water Act.

#### 8.9 State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation or the Federal Water Pollution Control Act, as amended.

#### 8.10 Penalties for Violation of Permit Conditions

Pursuant to IC 13-30-4, a person who violates any provision of this permit, the water pollution control laws; environmental management laws; or a rule or standard adopted by the Water Pollution Control Board is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation.

Pursuant to IC 13-30-5, a person who obstructs, delays, resists, prevents, or interferes with (1) the department; or (2) the department's personnel or designated agent in the performance of an inspection or investigation performed under IC 13-14-2-2 commits a class C infraction.

Pursuant to IC 13-30-10-1.5(k), a person who willfully or recklessly violates any NPDES permit condition or filing requirement, any applicable standards or limitations of IC 13-18-3-2.4, IC 13-18-4-5, IC 13-18-8, IC 13-18-9, IC 13-18-10, IC 13-18-12, IC 13-18-14, IC 13-18-15, or IC 13-18-16, or who knowingly makes any false material statement, representation, or certification in any NPDES form, notice, or report commits a Class C misdemeanor.

Pursuant to IC 13-30-10-1.5(l), an offense under IC 13-30-10-1.5(k) is a Class D felony if the offense results in damage to the environment that renders the environment unfit for human or vertebrate animal life. An offense under IC 13-30-10-1.5(k) is a Class C felony if the offense results in the death of another person.

#### 8.11 Penalties for Tampering or Falsification

In accordance with 327 IAC 5-2-8(9), the permittee shall comply with monitoring, recording, and reporting requirements of this permit. The Clean Water Act, as well as IC 13-30-10-1, provides that any person who knowingly or intentionally (a) destroys, alters, conceals, or falsely certifies a record that is required to be maintained under the terms of a permit issued by the department; and may be used to determine the status of compliance, (b) renders inaccurate or inoperative a recording device or a monitoring device required to be maintained by a permit issued by the department, or (c) falsifies testing or monitoring data required by a permit issued by the department commits a Class B misdemeanor.

#### 8.12 Toxic Pollutants

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant injurious to human health, and that standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition in accordance with 327 IAC 5-2-8(5). Effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants injurious to human health are effective and must be complied with, if applicable to the permittee, within the time provided in the implementing regulations, even absent permit modification.

8.13 Wastewater Treatment Plant and Certified Operators

The permittee shall have the wastewater treatment facilities under the responsible charge of an operator certified by the Commissioner in a classification corresponding to the classification of the wastewater treatment plant as required by IC 13-18-11-11 and 327 IAC 5-22. In order to operate a wastewater treatment plant the operator shall have qualifications as established in 327 IAC 5-22-7.

327 IAC 5-22-10.5(a) provides that a certified operator may be designated as being in responsible charge of more than one (1) wastewater treatment plant, if it can be shown that he will give adequate supervision to all units involved. Adequate supervision means that sufficient time is spent at the plant on a regular basis to assure that the certified operator is knowledgeable of the actual operations and that test reports and results are representative of the actual operations conditions. In accordance with 327 IAC 5-22-3(11), "responsible charge operator" means the person responsible for the overall daily operation, supervision, or management of a wastewater facility.

Pursuant to 327 IAC 5-22-10(4), the permittee shall notify IDEM when there is a change of the person serving as the certified operator in responsible charge of the wastewater treatment facility. The notification shall be made no later than thirty (30) days after a change in the operator.

8.14 Construction Permit

In accordance with IC 13-14-8-11.6, a discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective NPDES permit.

If the discharger modifies their existing water pollution treatment or control facility or constructs a new water pollution treatment or control facility for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, then, within thirty (30) days after commencement of operation, the discharger shall file with the Department of Environment Management a notice of installation for the additional pollutant control equipment and a design summary of any modifications.

The notice and design summary shall be sent to the Office of Water Quality - Mail Code 65-42, Industrial NPDES Permits Section, 100 North Senate Avenue, Indianapolis, IN 46204-2251.

8.15 Inspection and Entry

In accordance with 327 IAC 5-2-8(7), the permittee shall allow the Commissioner, or an authorized representative, (including an authorized contractor acting as a representative of the Commissioner) upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a point source, regulated facility, or activity is located or conducted, or where records must be kept pursuant to the conditions of this permit;

- b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment or methods (including monitoring and control equipment), practices, or operations regulated or required pursuant to this permit; and
- d. Sample or monitor at reasonable times, any discharge of pollutants or internal waste streams for the purposes of evaluating compliance with the permit or as otherwise authorized.

#### 8.16 Proper Operation and Maintenance

The permittee shall at all times maintain in good working order and efficiently operate all facilities and systems (and related appurtenances) for the collection and treatment which are installed or used by the permittee and which are necessary for achieving compliance with the terms and conditions of this permit in accordance with 327 IAC 5-2-8(8).

Neither 327 IAC 5-2-8(8), nor this provision, shall be construed to require the operation of installed treatment facilities that are unnecessary for achieving compliance with the terms and conditions of the permit.

#### 8.17 Bypass of Treatment Facilities

Pursuant to 327 IAC 5-2-8(11):

- a) Terms as defined in 327 IAC 5-2-8(11)(A):
  - (1) "Bypass" means the intentional diversion of a waste stream from any portion of a treatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- b) The permittee may allow a bypass to occur that does not cause a violation of the effluent limitations in the permit, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of 8.17.c, e, and f below of this permit.
- c) Bypasses, as defined in (a) above, are prohibited, and the Commissioner may take enforcement action against a permittee for bypass, unless the following occur:
  - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, as defined above;

- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- (3) The permittee submitted notices as required under 8.17.e.
- d) Bypasses that result in death or acute injury or illness to animals or humans must be reported in accordance with the "Spill Response and Reporting Requirements" in 327 IAC 2-6.1, including calling 888/233-7745 as soon as possible, but within two (2) hours of discovery. However, under 327 IAC 2-6.1-3(1), when the constituents of the bypass are regulated by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.
- e) The permittee must provide the Commissioner with the following notice:
  - (1) If the permittee knows or should have known in advance of the need for a bypass (anticipated bypass), it shall submit prior written notice. If possible, such notice shall be provided at least ten (10) days before the date of the bypass for approval by the Commissioner.
  - (2) The permittee shall orally report an unanticipated bypass that exceeds any effluent limitations in the permit within 24 hours of becoming aware of the bypass noncompliance. The permittee must also provide a written report within five (5) days of the time the permittee becomes aware of the bypass event. The written report must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; if the cause of noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the bypass event.
- f) The Commissioner may approve an anticipated bypass, after considering its adverse effects, if the Commissioner determines that it will meet the conditions listed above in 8.17.c. The Commissioner may impose any conditions determined to be necessary to minimize any adverse effects.

## 8.18 Upset Conditions

Pursuant to 327 IAC 5-2-8(12):

- a) "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

- b) An upset shall constitute an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph c of this section, are met.
- c) A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
  - (1) An upset occurred and the permittee has identified the specific cause(s) of the upset, if possible;
  - (2) The permitted facility was at the time being operated in compliance with proper operation and maintenance procedures;
  - (3) The permittee complied with any remedial measures required under section 8.2; and
  - (4) The permittee submitted notice of the upset as required in the "Twenty Four Hour Reporting Requirements," section 8.22, or 327 IAC 2-6.1, whichever is applicable. However, under 327 IAC 2-6.1-3(1), when the constituents of the upset are regulated by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

#### 8.19 Removed Substances

Solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State and to be in compliance with all Indiana statutes and regulations relative to liquid and/or solid waste disposal. The discharge of pollutants in treated wastewater is allowed in compliance with the applicable effluent limitations in section 6.0 of this permit.

#### 8.20 Planned Changes in Facility or Discharge

Pursuant to 327 IAC 5-2-8(10)(F), the permittee shall give notice to the Commissioner as soon as possible of any planned physical alterations or additions to the permitted facility. In this context, permitted facility refers to a point source discharge, not a wastewater treatment facility. Notice is required only when either of the following applies:

- a) The alteration or addition may meet one of the criteria for determining whether the facility is a new source as defined in 327 IAC 5-1.5.
- b) The alteration or addition could significantly change the nature of, or increase the quantity of, pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in section 6.0 nor to notification requirements in section 8.28 in this permit.

Following such notice, the permit may be modified to revise existing pollutant limitations and/or to specify and limit any pollutants not previously limited.

## 8.21 Monitoring Reports

Pursuant to 327 IAC 5-2-8(9) and 327 IAC 5-2-13 through 15, monitoring results shall be reported at the intervals and in the form specified in "Monitoring Requirements and Procedures", section 7.0.

## 8.22 Twenty-Four Hour Reporting Requirements

Pursuant to 327 IAC 5-2-8(10)(C), the permittee shall orally report to the Commissioner information on the following types of noncompliance within 24 hours from the time permittee becomes aware of such noncompliance. If the noncompliance meets the requirements of section 8.18 (Upset Conditions) or 327 IAC 2-6.1, then the report shall be made within those prescribed time frames. However, under 327 IAC 2-6.1-3(1), when the constituents of the discharge that is in noncompliance are regulated by this permit, and death or acute injury or illness to animals or humans does not occur, the reporting requirements of 327 IAC 2-6.1 do not apply.

- a) Any unanticipated bypass which exceeds any effluent limitation in the permit;
- b) Any noncompliance which may pose a significant danger to human health or the environment. Reports under this item shall be made as soon as the permittee becomes aware of the noncomplying circumstances;
- c) Any upset (as defined in section 8.18) that causes an exceedance of any effluent limitation in the permit;

The permittee can make the oral reports by calling (317)232-8670 during regular business hours or by calling (317) 233-7745 ((888)233-7745 toll free in Indiana) during non-business hours. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce and eliminate the noncompliance and prevent its recurrence. The Commissioner may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Alternatively the permittee may submit a "Bypass Fax Report" or a "Noncompliance Notification Report", whichever is appropriate, to IDEM at (317) 232-8637. If a complete fax submittal is sent within 24 hours of the time that the permittee became aware of the occurrence, then the fax report will satisfy both the oral and written reporting requirements.

## 8.24 Reporting Other Noncompliance

Pursuant to 327 IAC 5-2-8(10)(D), the permittee shall report any instance of noncompliance not reported under the "Twenty-Four Hour Reporting Requirements" in section 8.22, or any compliance schedules at the time the pertinent Discharge Monitoring Report is submitted. The report shall contain the information specified in section 8.22.



## 8.24 Other Information

Pursuant to 327 IAC 5-2-8(10)(E), where the permittee becomes aware of a failure to submit any relevant facts or submitted incorrect information in a permit application or in any report, the permittee shall promptly submit such facts or corrected information to the Commissioner.

## 8.25 Signatory Requirements

Pursuant to 327 IAC 5-2-22, 40 CFR 122.22, and 327 IAC 5-2-8(14):

- a) All reports required by permits and other information requested by the commissioner shall be signed by a person described in Section 3.3 of this general permit, or by a duly authorized representative of that person:
- b) A person is a duly authorized representative only if:
  - 1) The authorization is made in writing by a person described above.
  - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or a position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
  - 3) The authorization is submitted to the Commissioner.

If an authorization under this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of this section must be submitted to the Commissioner prior to or together with any reports, information, or applications to be signed by an authorized representative.

- c) Certification. Any person signing an NOI or any report required by this general permit shall make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

## 8.26 Availability of Reports

Except for data determined to be confidential under 327 IAC 12.1, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Indiana Department of Environmental Management and the Regional

Administrator. As required by the Clean Water Act, permit applications, permits, and effluent data shall not be considered confidential.

#### 8.27 Penalties for Falsification of Reports

IC 13-30 and 327 IAC 5-2-8(14) provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance, shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 180 days per violation, or by both.

#### 8.28 Changes in Discharge of Toxic Substances

Pursuant to 327 IAC 5-2-9, the permittee shall notify the Commissioner as soon as it knows or has reason to believe:

- a) That any activity has occurred or will occur which would result in the discharge of any pollutant identified as toxic, pursuant to Section 307(a) of the Clean Water Act which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels."
  - (1) One hundred micrograms per liter (100µg/l);
  - (2) Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500µg/l) for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol; and one milligram per liter (1mg/l) for antimony;
  - (3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
  - (4) A notification level established by the Commissioner on a case-by-case basis, either at his own initiative or upon a petition by the permittee. This notification level may exceed the level specified in subdivisions (1), (2), or (3) but may not exceed the level which can be achieved by the technology-based treatment requirements applicable to the permittee under the CWA (see 327 IAC 5-5-2).
- b) That it has begun or expects to begin to use or manufacture, as an intermediate or final product or byproduct, any toxic pollutant which was not reported in the permit application under 40 CFR 122.21(g)(9).

### 9.0 OBTAINING AN INDIVIDUAL PERMIT

#### 9.1 IDEM may require a person to obtain an individual permit

- a) The Commissioner may require any person-with an existing discharge subject to the requirements of this general permit or who is proposing a discharge that would

- otherwise be subject to the requirements of this article-to apply for and obtain an individual NPDES permit if one (1) of the following cases listed in this subsection occurs. Interested persons may petition the Commissioner to take action under this subsection, but must include in their petition the justification for such an action. Cases where individual NPDES permits may be required include any of the following:
- 1) The applicable requirements contained in this article are not adequate to ensure compliance with:
    - (A) water quality standards under 327 IAC 2-1 or 327 IAC 2-1.5; or
    - (B) the provisions that implement water quality standards contained in 327 IAC 5.
  - 2) The person is not in compliance with the terms and conditions of this general permit.
  - 3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants from the point source.
  - 4) Effluent limitations guidelines that are more stringent than the requirements in the general permit are subsequently promulgated for point sources regulated by the general permit.
  - 5) A water quality management plan containing more stringent requirements applicable to such point source is approved.
  - 6) Circumstances have changed since the activity regulated under this article began so that the discharger is no longer appropriately controlled under the general permit or either a temporary or permanent reduction or elimination of the authorized discharge is necessary.
  - 7) The water is identified as impaired pursuant to section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)) and listed at <http://www.in.gov/idem/nps/2647.htm>.
- b) Where IDEM requires a discharger authorized to discharge under this permit to apply for an individual NPDES permit, IDEM shall notify the discharger in writing that an individual permit application is required. This written notification will include
- 1) a brief statement of the reasons for this decision,
  - 2) all applicable application forms,
  - 3) a statement setting a deadline for the discharger to file the application, and
  - 4) a statement that coverage under this general permit shall terminate upon the effective date of an individual NPDES permit.

The notification may require discharges to be contained or discontinued and suspend coverage under this general permit until the individual permit is issued. Applications shall be submitted to IDEM within one hundred twenty (120) days of notification by the Commissioner. The Commissioner may grant additional time to submit the application upon request of the applicant. If a discharger fails to submit in a timely manner an individual NPDES permit application as required by the Commissioner under this paragraph, then the applicability of this permit to the discharger will be terminated at the end of the day specified by the Commissioner for application submittal. The application shall be submitted to the address listed in Section 3.5 of this permit.

If the decision to require an individual NPDES permit precedes the issuance of coverage under this general permit, discharges of sedimentation treatment basin wastewater cannot begin until the individual permit is issued.

- 9.2 Permittee may request individual permit instead of coverage under this general permit

Any discharger authorized by this general permit may request to be excluded from the coverage of this general permit by applying for an individual NPDES permit. In such cases, the permittee shall submit an individual application to IDEM in accordance with the requirements of 40 CFR 122.26(c)(1)(ii) and 327 IAC 5-2-3, with reasons supporting the request. The request may be granted by issuance of an individual permit, or an alternative general permit, if the reasons cited by the permittee are adequate to support the request.

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